IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 7688 of 2007(M)

PETITIONER:

REJI MATHEW, S/O. MATHUNNI,
KUNNATHU VEEDU, KOYIKKAL MURI,
EAST KALLADA, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:
----

1. THE KERALA WATER AUTHORITY,
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR,
VELLAYAMBALAM, THIRUVANANTHAPURAM.

2. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM P.O.,
THIRUVANANTHAPURAM.

3. SHIBU MATHEW,
KOLLAMKOVIL, THEKKE MURI, EAST KALLADA P.O.,
KOLLAM.

BY SRI.J.KRISHNAKUMAR, SC, KWA
SRI.P.C.SASIDHARAN, SC, KPSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.7688/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: THE TRUE COPY OF THE PROVISIONAL NATIONAL TRADE CERTIFICATE ISSUED BY THE SECRETARY, STATE COUNCIL FOR VOCATIONAL TRAINING DT.26.10.99.

EXT.P2: TRUE COPY OF THE NOTIFICATION IN CATEGORYNO.22/2006 FOR SELECTION FOR APPOINTMENT TO THE POST OF OPERATOR IN KERALA WATER AUTHORITY ISSUED BY THE 2ND RESPONENT PSC.

EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 24.2.2007 FILED BY PETITIONER BEFORE THE 2ND RESPONDENT.

//TRUE COPY//

ANTONY DOMINIC, J.
==========
W.P.(C) NO. 7688 OF 2007
==========

Dated this the 16th day of August, 2007

J U D G M E N T

Petitioner has passed SSLC and is also possessing a certificate in the trade of Electrician evidenced by Ext.P1. Ext.P2 is a notification issued by the 2nd respondent inviting applications for the post of Operator in Kerala Water Authority and the qualification prescribed therein are pass in SSLC or its equivalent and Mechanic-National Trade certificate in Motor Vehicle/Electrician.

2. The complaint of the petitioner is that though certificate holders also were made eligible in terms of Ext.P2 notification, the PSC has admitted the diploma holders in the trade prescribed in Ext.P2, also as eligible. This according to the counsel for the writ petitioner is in violation of the specifications in the Ext.P2 notification and thus the PSC is violating the terms of Ext.P2.

3. After hearing the parties, I notice that in terms of Rule 10(a)(ii) of Part II K.S & S.S.R, such of those higher qualifications which presuppose the acquisition of the lower qualification prescribed for the post are also sufficient for the post. It is noticed that in this case a National Trade Certificate in the concerned trade is the prescribed qualification. The persons against whom the complaint is raised are Diploma holders. The PSC has found that the Diploma obtained by those candidates is a higher qualification as compared to the National Trade Certificate and therefore they are entitled to be treated as eligible in terms of the aforesaid Rule. Though the learned counsel for the petitioner referred to the judgment in the case of **P.M.Latha v. State of Kerala and others (2003 (3) SCC 541)**, since that was not a case decided in the context of Rule 10(a)(ii) of Part II K.S.& S.S.R, I do not think that this judgment is of any assistance to the petitioner.

4. In the circumstances, I find no merit in this writ petition and it is dismissed.

ANTONY DOMINIC, JUDGE.

Rp